

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1012

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-21-4-5, AS AMENDED BY P.L.229-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under criteria to be jointly established by the Indiana department of transportation and the office of tourism development, the Indiana department of transportation may authorize the posting of any of the following:

- (1) Limited tourist attraction signage.
- (2) Business signs on specific information panels on the interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that:

- (1) is a trademarked destination brand; and**
- (2) encompasses buildings, structures, sites, or other facilities**

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that are:

(A) listed on the National Register of Historic Places established under 16 U.S.C. 470 et seq.; or

(B) listed on the register of Indiana historic sites and historic structures established under IC 14-21-1;

regardless of the distance of the tourist attraction from the highway on which the tourist attraction signage is placed.

~~(c)~~ (d) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

(1) is visible from a highway; and

(2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

~~(d)~~ (e) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" means the tourism signage study commission established by subsection (e).

(b) As used in this SECTION, "director" means the director of the office appointed under IC 5-29-2-2.

(c) As used in this SECTION, "office" means the office of tourism development established under IC 5-29-2-1.

(d) As used in this SECTION, "signs" means tourist attraction signage.

(e) There is established the tourism signage study commission.

(f) The commission consists of the following eleven (11) members:

(1) The commissioner of the Indiana department of transportation appointed under IC 8-23-2-2 or a designee of the commissioner of the Indiana department of transportation.

(2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate.

(3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives.

(4) The chairman of the Indiana arts commission designated under IC 4-23-2-1(d) or the designee of the chairman of the Indiana arts commission.

(5) The lieutenant governor or a designee of the lieutenant governor.

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(6) A member of the Indiana tourism council appointed by the chairperson of the Indiana tourism council serving under IC 5-29-4-3(c).

(7) An owner or operator of an agritourism business, appointed by the governor.

(8) A member appointed by the Association of Indiana Convention and Visitor Bureaus.

(9) An employee of the division of state museums and historic sites of the division of natural resources established under IC 14-9-4-1(21), appointed by the director of the division of natural resources appointed under IC 14-9-2-1.

(g) The director is the chairperson of the commission.

(h) Each member of the commission who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(k) The expenses of the members under subsections (h) and (i) shall be paid by appropriations made to the office.

(l) The affirmative votes of a majority of the voting members appointed to the commission are required for the commission to take action on any measure.

(m) The office shall provide administrative services to and staff the commission.

(n) The commission shall study signs related to tourism, their

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placement alongside highways, and the current criteria concerning tourist attraction signage established under IC 9-21-4-5(b).

(o) The commission shall conclude its study not later than November 1, 2007, and shall report its findings not later than December 1, 2007, to the:

- (1) Indiana department of transportation;
- (2) office; and
- (3) legislative council.

The report of findings made to the legislative council must be in an electronic format under IC 5-14-6.

(p) The office shall review the findings of the commission and shall make changes to the criteria established under IC 9-21-4-5(b) based on the findings of the commission.

(q) This SECTION expires December 31, 2008.

SECTION 3. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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